IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRU JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 1786 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/08/2004 in WP NO : 9811 OF 2004 on the file of the High Court.)

Between:

Sri Sarathi Institute of Engineering & Technology, Nuzvid, Krishna rep.by its Principal Sri M.Madhusoodhan Nair
S/o M.K.Bhaskara Kamavar.

..... APPELLANT

AND

The Registrar, Jawaharlal Nehru, Technological University,
Kukatpally, Hyderabad.

.....RESPONDENT

Counsel for the Appellant: Mr.B.SRINIVAS

Counsel for the Respondent: Mr. C.KODANDA RAM

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The learned counsel for the appellant submits that the order was passed by the respondent-University rejecting its application, during the pendency of the Writ Petition, and, the appellant had no opportunity to challenge the same in accordance with law in a separate writ petition except by way of WPMP. While dismissing the Writ Petition, learned Judge has made some observations, which are likely to prejudice the case of the appellant, in case, appellant would like to challenge the order of the University in accordance with law.

Learned counsel for the respondent has no objection, in case, the Writ Petition itself is dismissed as withdrawn with liberty reserved to the appellant to challenge the order of the University rejecting its application for grant of Essentiality Certificate.

In view of the above, we allow the Appeal, and, permit the appellant to withdraw the Writ Petition with liberty reserved to the appellant to challenge the order of rejection passed by the University in accordance with law. It is made clear that, as and when, such a challenge is made, it would be decided in accordance with law uninfluenced by the observations made by the learned Single Judge in the Writ Petition. No costs.

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DEVINDER GUPTA, C.J.

22.11.2004.

VR. _____

M.NARAYANA REDDY, J.

To

1. The Registrar, Jawaharlal Nehru, Technological University,
Kukatpally, Hyderabad.

2. Two CD copies.